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ARMY REGULATION

No. 600-18

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 1 January 1979

## PERSONNEL—GENERAL

## EQUAL OPPORTUNITY IN OFF-POST HOUSING

Effective 1 February 1979

*This revision implements changes in the Equal Opportunity in Off-Post Housing Program as directed by the Office of the Secretary of Defense with emphasis on the conduct of informal hearings on complaints of discrimination and procedures to be used in removing restrictive sanctions prior to the 180 day requirement. Local limited supplementation of this regulation is permitted but is not required. If supplements are issued by major Army commands reporting directly to HQDA, a copy of each will be forwarded to HQDA (DAPE-HRC). Other commands will forward one copy of each to the next higher headquarters. The term "he" (and its derivatives) when used in this publication represents both the masculine and feminine genders, unless otherwise specifically stated.*

*Users of this regulation will not implement interim changes unless the change document has been authenticated by The Adjutant General. (Interim changes expire 1 year after publication date.) If a formal printed change is not received by the time the interim change expires, users will destroy the interim change.*

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This regulation supersedes AR 600-18, 19 November 1973, including all changes.

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## CHAPTER 1

### GENERAL

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**1-1. Purpose.** The purpose of this regulation is to—

a. Promote equal opportunity in off-post housing for Army personnel and for Department of Defense personnel under Army jurisdiction.

b. Provide for processing complaints of discrimination in housing—

(1) To the commander in areas in which the laws of the United States do not apply; and

(2) To the commander, to the Department of Justice, and to the Department of Housing and Urban Development in areas in which the laws of the United States do apply.

**1-2. Applicability.** This regulation applies to—

a. Army personnel.

b. Personnel of the other Services who are attached to or under the operational control of Army installation commanders and who are authorized to live off the post.

c. DOD personnel who are under Army jurisdiction in areas in which the laws of the United States do not apply and who are authorized to live off post.

d. Members of Army Components authorized to live off post when serving on active duty, active duty for training, or full-time training duty for 30 days or more.

**1-3. Explanation of terms.** a. *Agent.* Real estate agency, broker, landlord, or owner of a housing facility doing business with DOD personnel, or a housing referral officer.

b. *Commander.* The military or civilian head of any installation, organization, or agency of DOD who is assigned responsibility for the off-base housing program.

c. *Commuting distance.* The distance from the installation headquarters which can be traversed by privately-owned vehicle in one hour or less during rush hours.

d. *Discrimination.* An act, policy, or procedure that arbitrarily denies equal treatment in housing because of race, color, religion, sex, or national origin to an individual or group of individuals.

e. *Restrictive sanctions.* The actions taken by a commander to prohibit applicable personnel from—

(1) Entering into a new rental lease or purchase agreement with an owner who has been found to have discriminated; or

(2) Moving into any house, apartment, or other abode, the agent of which has been found to have discriminated.

f. *Verifiers.* Volunteers used during the course of an investigation of a complaint of housing discrimination to determine if housing discrimination is being practiced by an agent as alleged. Verifiers are not required to be prospective tenants.

**1-4. Policy.** a. The Department of the Army is committed to equal opportunity for all, regardless of race, color, religion, national origin, or sex. This commitment encompasses the equal opportunity to obtain off-post housing.

b. Commanders will ensure that those under their jurisdictions are not discriminated against. Suspected acts of discrimination will be investigated, whether or not a formal complaint is filed. When discrimination is found, restrictive sanctions will be imposed.

c. No member of the Army will make arrangements for off-post housing referral office at the installation to which he is assigned to obtain information concerning housing against which restrictive sanctions have been imposed. Relocation of a tenant within a facility under restrictive sanctions is not authorized without written approval of the commander.

d. If adequate off-post housing as defined in chapter 5, AR 210-50 cannot be obtained by one discriminated against after a time period comparable to that required by one not discriminated against, the local commander may consider this sufficient reason to justify priority for the complainant to be assigned military housing, if otherwise eligible, or for compassionate reassignment of the complainant to another duty station.

**1-5. Command responsibility.** The installation or activity commander will—

*a.* Develop a program to combat discrimination in off-post housing.

*b.* Ensure that appropriate officers are available to advise personnel concerning their rights under the provisions of this regulation and under the laws of the United States (42 U.S.C. 1982, 3601-19, 3631). (See app A.)

*c.* Review and revise, as necessary, off-post housing procedures to ensure their adequacy. Use checklist at appendix B to assist in evaluating the program.

*d.* Develop an information program to enlighten subordinates of their rights under the provisions of this regulation and under the laws

of the United States.

*e.* Communicate to the public in the area around his installation the Army's policies concerning equal opportunity in off-post housing.

*f.* Ensure that subordinates comply with restrictive sanctions imposed.

*g.* Ensure that all assignment orders for personnel governed by this regulation, including TDY orders in excess of 30 days, contain the following statement in the special instructions paragraph: "You are required to report to the family housing/housing referral office serving your new duty station before you make housing arrangements for renting, leasing, or purchasing any off-post housing."

## CHAPTER 2

PROCESSING COMPLAINTS OF DISCRIMINATION IN HOUSING

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**2-1. Reporting complaints of discrimination.** Housing discrimination involves unequal treatment because of race, color, religion, sex, or national origin.

a. Each incident of possible housing discrimination must be referred to the HRO at once for action. The refusal of an agent to show, rent, lease, or sell otherwise suitable housing may be a basis for a complaint of housing discrimination. Also, any agent's use of words that show discrimination, or statements that express discriminatory policy, are considered an act or incident of discrimination. In any case, the investigative procedures in this regulation will be followed.

b. All personnel must be alert for possible discrimination in housing and must refer the incident or complainant to the Housing Referral Officer (HRO) at once. Each alleged incident of housing discrimination will be processed in accordance with the provisions of this regulation.

**2-2. Inquiry into complaints.** a. An inquiry will begin upon receipt of a complaint of discrimination in housing. The inquiry may be informal but will be sufficiently detailed to indicate whether unlawful discrimination exists. Processing at installation level required in accordance with the provisions of this regulation will be completed within 30 working days following the filing of the complaint, subject to an extension by the installation commander or his deputy of not more than 10 working days if he determines that further time is required to determine validity of the complaint. The provisions of AR 15-6 do not apply to an informal inquiry but may be used as a guide.

b. The following actions will be initiated during the conduct of the inquiry—

(1) The agent will be notified of the inquiry and offered the opportunity to submit matters in his behalf.

(2) The person conducting the inquiry will seek advice from a judge advocate so that all reasonably available relevant and material evidence may be pursued.

(3) The investigation officer will prepare a report of investigation/inquiry, including a summary of evidence. Copies of each statement obtained during the inquiry will be appended to the evidentiary summary. The summary of evidence will include other information which might facilitate a review of the evidence obtained.

**2-3. Use of verifiers.** Upon receipt of a complaint, whether formal or informal, verifiers may be used to establish that a basis for the complaint does or does not exist. However, verifiers will not be used solely to determine the sincerity or normal practices of an agent about whom the HRO has not yet received any housing discrimination complaint. When they are used, these rules apply—

a. The vacancy should be verified as soon as possible after an act of discrimination is alleged.

b. Verifiers should be volunteers, if possible. The installation Race Relations Office is a resource of finding such volunteers. In any case, HRO personnel should not be used as verifiers, except in unusual situations.

c. The verifier is used to determine which characteristic (race, color, religion, sex, or national origin) is the suspected basis for the complainant's exclusion or unequal treatment.

(1) If possible, the verifier should have all of the same characteristics as the complainant, except the characteristics which are suspected as discriminatory.

(2) Ideally, two verifiers, on different occasions, should be used; one of which possesses similar characteristics to the complainant.

**2-4. Instructions to verifier.** The HRO should explain to verifiers the basis for an objectives of the Equal Opportunity in Off-Post Housing Program. They should also be advised that—

a. Verifiers are only expected to obtain information on the operating policies, practices, and procedures, of the agent or facility for subsequent determination of the complaint's validity.

b. Verifiers should not make a verbal or written contract for the apartment, pay any money, or say that they want the facility. At the end of the visit, the agent should understand that the verifier is not interested in the facility.

c. Verifiers should be knowledgeable as to the family composition, pets, and housing requirements of the complainant, so that they may ask for identical housing requirements.

d. Verifiers should get the following information, if possible—

(1) *About the facility*: What is available? Did it meet the requirements of what the complainant requested? What is the amount of rent? Is a deposit required? Are children or pets accepted? Is an application required? What is the time between filing an application and receiving permission to move in? Are there minority families or singles in the facility? Make a note of the presence or absence of a vacancy sign, and any other information deemed appropriate.

(2) *About the prospective tenant*: If possible, find out what qualifications the prospective tenant must have (credit ratings, salary, marital status, race, children, deposit, written application, and the like); also get a complete description of what steps to take to become a tenant, including all of the steps, from the initial inquiry to moving in. Does the manager's subjective impression of the applicant play any part in the decision to rent an apartment?

e. The verifier's statement should be completed immediately after the verification visit. It should be accurate, objective, and in detail. Include the following:

(1) Date, time of visit, name and position of person contacted. Include any other pertinent information obtained during the visit, that is not given in *d* above (for example, length of time employed at facility; race and so forth).

(2) In reconstructing the conversation, write in the first person (I, we, and so on). Use direct quotes if possible, and give the full name of the person(s) being quoted, and the persons to whom they were speaking. (Don't use pronouns, such as "he," "she," or "they" to refer to these people.)

(3) Sign and date the statement. Give the verifiers' full name, address, and telephone number (duty or home). Also give the race or other characteristics as relevant to the complaint.

**2-5. Notification of an informal hearing.** Within 3 workdays after receiving the inquiry report, if the inquiry appears to confirm the complaint, but before it is finally decided that the complaint is valid, the deputy installation commander will send a written notice to the agent of the facility. This notice will either be delivered to the agent personally by a representative of the commander, or will be sent to the agent by certified mail with return receipt.

a. The notice will explain the specific nature of the discrimination complaint, and state that the agent has the right—

(1) To ask for a hearing with the deputy commander and to appear personally at the hearing.

(2) To be represented by an attorney.

(3) To present evidence and call witnesses in his behalf.

b. The notice will also state that—

(1) The agent should be given 5 workdays after receiving the notice to request a hearing.

(2) If no request is received within that time, the lack of response will be considered as a waiver of the right to such a hearing.

**2-6. Conducting an informal hearing.** The deputy installation commander will conduct the hearing at a convenient location.

a. The agent, the agent's attorney, the complainant's attorney, the Housing Referral Officer, a legal officer from the judge advocate's office, or other designated persons may attend. The Equal Opportunity Officer will be a regular attendee.

b. A summary of the hearing will be prepared and placed in the complaint file. The summary should include a list of attendees, location of hearing, and summary of discussion.

**2-7. Legal review.** a. A legal review will be made after the inquiry and informal hearing (if applicable), but before the command finally decides that the inquiry confirms (or fails to confirm) the complaint.

b. The report will be reviewed for completeness by a judge advocate. When possible, this review will be performed by a judge advocate other than the one who provided guidance to the person conducting the inquiry. A statement that such a review was conducted, any necessary explanatory remarks, and information known to the command concerning pending complaints (if any) with respect to the same, competing, or

closely related dwellings, will be signed by the officer performing the review and made a part of the report.

**2-8. Commander's action.** *a.* Based upon the recommendations and findings in the report of investigation, the installation commander must decide whether there was discrimination. The installation commander is responsible for imposing restrictive sanctions should the complaint be confirmed. This responsibility cannot be delegated. The decision will be based on a full and impartial review of all facts, weighed against the policies outlined in this regulation. The commander may make a further inquiry, if deemed necessary, or he may close the case. If he closes the case, procedures of paragraph 2-9 will be followed.

*b.* If more information is needed, or that further inquiry should be made, an officer may be appointed from sources other than the HRO, to make a formal inquiry or investigation as the situation warrants. The officer, if not an attorney, will be afforded the advice and assistance of a judge advocate as well as that of the HRO and equal opportunity officer.

**2-9. Closing the case.** If the installation commander decides that—

*a.* **THE INQUIRY DID NOT CONFIRM THE COMPLAINT**, the case will be considered closed and—

(1) The complainant will be informed in writing of the action taken, and the commander will advise the complainant about his or her rights to take further action (for example, to submit the complaint to HUD/DOJ, or to start a private civil action).

(2) The HRO will prepare a summary of the case for the report file.

*(a)* This summary must show what practices gave rise to the complaint, what the actions and results of the inquiry were, command action taken to obtain relief, as well as a promise from the agent of the facility about future practices.

*(b)* The case file must also include the following statement, completed by the complainant: "I (am) (am not) satisfied with the efforts taken by the commander in my behalf to achieve satisfactory resolution of my off-base housing discrimination complaint."

*(c)* The file must also show why the com-

plainant expressed any lack of satisfaction with any of the actions or the results.

(3) If an informal hearing was offered, agent will be informed by command correspondence of the results of the inquiry. If the agent is aware that the inquiry was conducted, the agent should also be informed of the outcome. This correspondence should stress Army policy on ensuring equal opportunity in off-base housing.

(4) A copy of the report will be kept on file at the installation level for 24 months.

*b.* **IF THE INQUIRY CONFIRMS THE CHARGE OF DISCRIMINATION**, and if the commander finds that the discriminatory act conflicts with Army policy, the following actions will be taken.

(1) Restrictive sanctions will be imposed for a minimum of 180 days. Sanctions will remain in effect until the provisions of paragraph 2-12 of this regulation are met.

*(a)* Restrictive sanctions are also imposed when a suspected discriminatory act, despite the absence of a written complaint, is investigated and substantiated.

*(b)* The fact that a substantiated complaint or incident has been (or is scheduled to be) forwarded to another agency (HUD, DOJ, etc), is not cause for withholding the restrictive sanctions action pending the outcome of that agency's investigation.

*(c)* To ensure program credibility, restrictive sanctions must be imposed promptly and correctly once a complaint is substantiated.

(2) In imposing restrictive sanctions, these steps must be taken—

*(a)* If the facility has been listed with the HRO, remove the DD Form 1667 from the listed available files.

*(b)* Impose the sanctions against all of the facilities owned or operated by the agent, effective on the date of notification (see *(d)* below).

*(c)* The HRO will add the facility to its restrictive sanctions list or will start such a list. This list is to be prepared on official stationery and signed by the installation commander or his deputy. It must also state the authority for, and conditions of, the restrictive sanctions.

*(d)* The agent will be informed, by command correspondence, that restrictive sanctions have been imposed, and the reasons

why. It must also explain the nature and minimum length of the restrictions and indicate what action is required (see para 2-12) to remove them at the end of the minimum period. The notice will be delivered to the agent personally by a representative of the commander, or will be sent by certified mail with return receipt.

(e) Each person who reports to the HRO must be given a copy of the restrictive sanction list, and informed that he or she may not rent, lease, purchase, or reside in, any of the facilities listed on it. The HRO must obtain their signature (to show they have received this list) on a DD Form 1668, Off-Base Housing Application.

(f) The HRO will advise other military installations within the commuting area of the base of the restrictive sanctions action.

(3) The complainant will be informed in writing of all actions taken. If appropriate, this notice will indicate the agencies to whom the complaint file is being forwarded, and again advise the complainant of his or her right to pursue remedies through civilian channels other than HUD/DOJ. If the complainant has not been suitably housed, continuing assistance will be offered by the HRO.

(4) Before forwarding the report of investigation, the deputy installation commander will prepare a memorandum analyzing—

(a) The impact of restrictive sanctions in the facility upon DOD personnel and their dependents and the Off-Post Housing Program.

(b) Efforts made to obtain housing relief for the complainant.

(c) If available, include the number of facility units involved.

(d) Any other considerations deemed relevant.

(5) The following statement will be completed by the complainant and placed in the case file: "I (am) (am not) satisfied with the efforts taken by the commander in my behalf to achieve satisfactory resolution of my off-post housing discrimination complaint." If the complainant is not satisfied, the reasons must be shown in the case file.

(6) The complaint will be forwarded as outlined in paragraph 2-10.

**2-10. Report of investigation/inquiry.** *a.* Whenever an inquiry substantiates a complaint of discrimination, the report will be forwarded through channels to HQDA (DAPE-HRC-H),

WASH, DC 20310, for transmission to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics). See appendix C for Report of Investigation Format.

*b.* When a complaint is received alleging discrimination in a facility on which a previously completed complaint action has been forwarded, he will send the following to the owner and to HQDA (DAPE-HRC-H), WASH DC 20310:

(1) Summary of the facts relating to the subsequent complaint.

(2) Brief comments indicating the extent to which the new complaint and information developed affects the earlier action. In addition, when paragraph 2-11 of this regulation is applicable, this information, together with a copy of the complaint, will be forwarded to the Department of Housing and Urban Development and to the Department of Justice, Civil Rights Division, Washington, DC 20530.

**2-11. Supplementary actions.** *a.* In addition to actions required under the provisions of this regulation, with the concurrence of the complainant, in substantiated cases of alleged discrimination occurring within the United States or its territories or possessions, forward the original and two copies each of the report of inquiry, the judge advocate's statement, the commander's memorandum, the complaint, and a chronology sheet (app C) to the Department of Housing and Urban Development, Washington, DC 20510. An information copy will be dispatched to HQDA (DAPE-HRC-H), WASH DC 20310.

*b.* A complaint must be filed with the Department of Housing and Urban Development within 180 days after the occurrence of the alleged discriminatory housing practice on which it is based. A complaint will be forwarded prior to the completion of the preliminary inquiry and subsequent procedures, if such action becomes necessary to ensure that the complaint is filed within the 180-day period.

*c.* A HRO official (para 1-5*b*) will explain to one who is aggrieved by alleged discrimination occurring within the United States or its territories or possessions his right to submit a complaint directly to the Department of Housing and Urban Development if he so wishes.

(1) A complaint to the Department of Housing and Urban Development will be made on HUD Form 903. The form will be completed in

at least four copies, dated, signed by the complainant, and notarized.

(2) Copies of HUD Form 903 are available from the nearest regional office of HUD or by writing to the Department of Housing and Urban Development, Washington, DC 20510.

d. Two copies of the report of inquiry and all attachments will be forwarded directly to HQDA (DAJA-LT), WASH DC 20310. This office will review the report and forward a copy and any comments to the Attorney General of the United States.

e. Title 42 United States Code, section 3613 authorizes the Attorney General to bring civil actions in the Federal courts whenever there is reasonable cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of fair housing rights, or whenever the denial of rights to any group of persons raises an issue of general public importance. Commanders are to cooperate fully with Department of Justice representatives in any matter related to such a civil action.

**2-12. Removal of restrictive sanctions.** Restrictive sanctions may be removed only under the following circumstances:

a. Upon request, HQDA may approve a waiver to lift the restrictive sanctions before the 180-calendar day limit. This may be done under unusual or exceptional circumstances (for example, when the discriminatory act was the single action of the manager, but the owner has a nondiscriminatory rental policy, has forbidden the discriminatory practice, or has fired the agent, and so on). The request (for a waiver of the 180-calendar day minimum) must be submitted through the MACOM to DA, ATTN: DAPE-HRC-H and include—

(1) Actions taken by the agent to correct the situation.

(2) A written assurance of nondiscrimination by the agent.

(3) Affirmative action taken by the agent to ensure a future nondiscriminatory policy.

(4) Other facts about the situation (for example, the number of minorities currently residing in the facilities, the number of units, and so forth).

(5) Impact on the civilian and military communities if the restrictive sanctions are or are not removed before the end of the 180-calendar day minimum.

b. When the 180-calendar day period ends, if the agent provides a written assurance of future non-discrimination to the HRO. Depending upon the local situations, the agent or the base officials may initiate the action to obtain this assurance. The commander's decision to remove the restrictive sanctions must be based on receiving the written assurance.

c. The commander will inform the HRO, the Human Relations/Equal Opportunity Office, the Office of Information, and the agent, in writing, when the facility is removed from restrictive sanctions. The HRO will then change the restrictive sanctions list, accordingly.

**2-13. Complaint procedures—outside the United States.** a. Commanders of installations or activities outside the United States will ensure that all DOD personnel, upon reporting to the HRO, are clearly informed of the scope and provisions of the DOD Equal Opportunity in Off-Post Housing Program and advised to immediately report to the HRO (when available) any form of discrimination encountered as a tenant or prospective tenant. Incidents reported to base agencies or representatives other than the HRO (for example, equal opportunity officer, unit commander, supervisor) should be brought to the immediate attention of the HRO for appropriate action. Upon receiving a complaint of discrimination the commander and HRO shall—

(1) Consult with staff judge advocate office to determine if the laws of the country concerned (or any subdivision thereof) prohibit any of the actions outlined in paragraphs 2-2 through 2-15.

(2) Take actions outlined in this regulation, except that a HUD Form 903 will not be completed as cases processed outside the United States are not forwarded to HUD or DOJ. Complainants should understand that the fair housing provisions of the Civil Rights Acts of 1866 and 1968 are not applicable in areas outside the United States.

(3) Determine, with judge advocate advice, whether the discriminatory act can be pursued for civil redress. Redress will be based on the laws of the country (or subdivision thereof) concerned.

b. Reports of investigation will be processed in accordance with paragraph 2-10.

**2-14. Referring complaints to other agencies.**

a. Department of Housing and Urban Develop-

*ment.* If the complainant wishes to have the complaint, and the supporting documents, sent to HUD for action under the Civil Rights Act of 1968, the commander will send the original copy of the report and the HUD Form 903 to Fair Housing, c/o Department of Housing and Urban Development, WASH DC 20510.

(1) The complainant may desire that the HUD Form 903 be forwarded to HUD at the time the complainant reports the complaint to the HRO. (To take action, HUD must receive the complaint within 180 days of the alleged discrimination incident.) If necessary to ensure filing within 180 days, the commander will send the complaint to HUD before the preliminary inquiry and subsequent procedures are completed.

(2) The commander may also send an information copy of the complaint to the local HUD regional office, but should state in the transmittal letter that the complaint report is being sent to other agencies for action or information.

*b. Department of Justice.* When a case is forwarded to HUD, the commander will send an information copy of the complaint and the investigative report to the Department of Justice (Civil Rights Division), WASH DC 20530. At the request of the complainant, an action copy will also be forwarded to DOJ, with a transmittal letter that tells what other agencies the report was submitted to.

*c. State and local agencies.* There are various state and local agencies throughout the United States and overseas that will take legal action on housing discrimination complaints. An information or action copy of the complaint report may also be forwarded to these agencies if the installation working relationship with these agencies provides for it, or if the complainant requests it. The transmittal letter tells why the report is being sent and names the other agencies to whom the report was submitted.

**2-15. Follow-up actions.** After the report and any attachments are forwarded, the installation commanders will ensure the following actions are taken—

*a.* Work with HUD, DOJ and State or local representatives in their investigation and processing of the case.

*b.* Follow-up regularly with the HUD area or regional office on the status of the case until the case is resolved or closed by HUD.

*c.* Make sure that the complainant is kept informed on information received and on the action being taken by HUD or DOJ.

*d.* Make sure that DOD personnel comply with the restrictive sanctions imposed on the facility or agent.

(1) Military personnel moving into, or changing their place of residence in the commuting area of the installation, are prohibited from entering into a rental, purchase, or lease arrangement with an agent of a facility that is under restrictive sanctions.

(2) Restrictive sanctions do not apply to DOD personnel who are residing in a facility at the time the restrictive sanction is imposed, or who wish to renew or extend a rental or lease agreement begun before the restrictive sanctions were imposed.

*Note:* Relocation of a military tenant within a restricted facility is prohibited without the written approval of the commander.

*e.* Set up procedure for making sure that DOD personnel are told about current restrictive sanctions. HROs must also set up effective controls to find out where a member finally locates housing. For example, it will at least screen every returned DD Form 1670, Notification of Housing Selection. If the HRO finds that a military member has taken residency in a restricted facility, contrary to instructions, the commander will take administrative or disciplinary action as appropriate under the circumstances.

*f.* Publish a current listing of restricted facilities frequently in the base bulletin and base newspaper, and publicize it in other ways (for example, in newcomer briefings and in Commander's Call programs). This must be done at least whenever there has been an addition, deletion, or change to the restricted sanctions list.

**2-16. Privacy and Freedom of Information Acts.** Any request for information about a complaint report that has been referred to another agency for action will be referred to that agency for response. Any request for information about any report that was not referred for such action will be processed as outlined in AR 340-17 and AR 340-21.

**2-17. Disclosure of information.** The agent (or agent's attorney) will not be given copies of the HUD 903 or any other pertinent statement that may be required for any subsequent HUD or

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DOJ action. The Army does not wish to damage any potential HUD/DOJ investigation by disclosing facts before other enforcement agencies begin their normal procedures. Action under the

*Freedom of Information and the Privacy Acts* is taken under AR 340 17 and AR 340-21, as appropriate.

## APPENDIX A APPLICABLE STATUTES

### 42 United States Code, Section 1982. Property rights of citizens.

All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

### Title 42 U.S. Code, Chapter 45 Subchapter I

3601. Declaration of policy. It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

3602. Definitions. As used in this subchapter—

(a) "Secretary" means the Secretary of Housing and Urban Development.

(b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(c) "Family" includes a single individual.

(d) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(e) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(f) "Discriminatory housing practice" means an act that is unlawful under section 3604, 3605, or 3606 of this title.

(g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

3603. Effective dates of certain prohibitions. (a) Application to certain described dwellings. Subject to the provisions of subsection (b) of this section and section 3607 of this title, the prohibitions against discrimination in the sale or rental of housing set forth in section 3604 of this title shall apply:

(1) Upon enactment of this subchapter, to—

(A) dwellings owned or operated by the Federal Government;

(B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to April 11, 1968;

(C) dwellings provided in whole or in part by loans insured,

guaranteed, or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to April 11, 1968: *Provided*, That nothing contained in subparagraphs (B) and (C) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and

(D) dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(2) After December 31, 1968, to all dwellings covered by paragraph (1) and to all other dwellings except as exempted by subsection (b) of this section.

(b) **Exemptions.** Nothing in section 3604 of this title (other than subsection (c)) shall apply to—

(1) any single-family house sold or rented by an owner: *Provided*, That such private individual owner does not own more than three such single-family houses at any one time: *Provided further*, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: *Provided further*, That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: *Provided further*, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this subchapter only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 3604 (c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) **Same; business of selling or renting dwellings defined.** For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if—

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied, by, five or more families.

3604. Discrimination in the sale or rental of housing. As made applicable by section 3603 of this title and except as exempted by sections 3603 (b) and 3607 of this title, it shall be unlawful—

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

(b) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.

3605. Discrimination in the financing of housing. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: *Provided*, That nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 3603 (b) of this title.

3606. Discrimination in the provision of brokerage services. After December 31, 1968, it shall be unlawful to deny any person access to or

membership or participation in any multiple-listing service, real estate brokers' organization or other service, organizations or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.

3607. Religious organization or private club exemption. Nothing in this subchapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this subchapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

3608. Administration. (a) Authority and responsibility. The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

(b) Delegation of authority: appointment of hearing examiners; location of conciliation meetings; administrative review.

The Secretary may delegate any of his functions, duties, and powers to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business or matter under this subchapter. The persons to whom such delegations are made with respect to hearing functions, duties, and powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3355, 5362, and 7521 of Title 5. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(c) Cooperation of Secretary and executive department and agencies in administration of housing and urban development programs and activities to further fair housing purposes.

All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this subchapter and shall cooperate with the Secretary to further such purposes.

(d) Functions of Secretary. The Secretary of Housing and Urban Development shall—

(1) make studies with respect to the nature and extent of dis-

criminary housing practices in representative communities, urban, suburban, and rural, throughout the United States;

(2) publish and disseminate reports, recommendations, and information derived from such studies;

(3) cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

(4) cooperate with and render such technical and other assistance to the Community Relations Service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices; and

(5) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this subchapter.

3609. Education and conciliation; conferences and consultations; reports. Immediately after April 11, 1968, the Secretary shall commence such education and conciliatory activities as in his judgment will further the purposes of this subchapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this subchapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons attending such conferences as provided in section 5703 of Title 5. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of this subchapter. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

3610. Enforcement. (a) Person aggrieved; complaint; copy; investigation; informal proceedings; violations of secrecy; penalties. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Secretary. Complaints shall be in writing and shall contain such information and be in such form as the Secretary requires. Upon receipt of such a complaint the Secretary shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c) of this section, the Secretary shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Secretary decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence

in a subsequent proceeding under this subchapter without the written consent of the persons concerned. Any employee of the Secretary who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) Complaint; limitations; answer; amendments; verification. A complaint under subsection (a) of this section shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Secretary, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) Notification of State or local agency of violation of State or local fair housing law; commencement of State or local law enforcement proceedings; certification of circumstances requisite for action by Secretary. Wherever a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this subchapter, the Secretary shall notify the appropriate State or local agency of any complaint filed under this subchapter which appears to constitute a violation of such State or local fair housing law, and the Secretary shall take no further action with respect to such complaint if the appropriate State or local law enforcement official has, within thirty days from the date the alleged offense has been brought to his attention, commenced proceedings in the matter, or, having done so, carries forward such proceedings with reasonable promptness. In no event shall the Secretary take further action unless he certifies that in his judgment, under the circumstances of the particular case, the protection of the rights of the parties or the interests of justice require such action.

(d) Commencement of civil actions; State or local remedies available; jurisdiction and venue; findings; injunctions; appropriate affirmative orders. If within thirty days after a complaint is filed with the Secretary or within thirty days after expiration of any period of reference under subsection (c) of this section, the Secretary has been unable to obtain voluntary compliance with this subchapter, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate United States district court, against the respondent named in the complaint, to enforce the rights granted or protected by this subchapter, insofar as such rights relate to the subject of the complaint: *Provided*, That no such civil action may be brought in any United States district court if the person aggrieved had judicial remedy under a State or local fair housing law which provides rights and remedies for alleged discrimination housing practices which are substantially equivalent to the rights and remedies provided in this subchapter. Such actions may be brought without regard to the amount in controversy in any United States district court for the district in which the discriminatory housing practice is alleged to have occurred or be about to occur or in which the respondent

resides or transacts business. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may, subject to the provisions of section 3612 of this title, enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) Burden of proof. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Trial of action; termination of voluntary compliance efforts. Whenever an action filed by an individual in either Federal or State court, pursuant to this section or section 3612 of this title, shall come to trial the Secretary shall immediately terminate all efforts to obtain voluntary compliance.

3611. Evidence. (a) Investigations; access to records, documents, and other evidence; copying; searches and seizures; subpoenas for Secretary; interrogatories; administration of oaths.

In conducting an investigation the Secretary shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: *Provided, however,* That the Secretary first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Secretary may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Secretary may administer oaths.

(b) Subpoenas for respondent. Upon written application to the Secretary, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Secretary to the same extent and subject to the same limitations as subpoenas issued by the Secretary himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(c) Compensation and mileage fees of witnesses. Witnesses summoned by subpoena of the Secretary shall be entitled to the same witness and mileage fees as are witness in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(d) Revocation or modification of petition for subpoena; good reasons for grant of petition. Within five days after service of a subpoena upon any person, such person may petition the Secretary to revoke or modify the subpoena. The Secretary shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) Enforcement of subpoena. In case of contumacy or refusal to obey a subpoena, the Secretary or other person at whose request it was issued may petition for its enforcement in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(f) Violations; penalties. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Secretary, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Secretary pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(g) Attorney General to conduct litigation. The Attorney General shall conduct all litigation in which the Secretary participates as a party or as amicus pursuant to this Act.

3612. Enforcement by private persons. (a) Civil action: Federal and State jurisdiction; complaint; limitations; continuance pending conciliation efforts; prior bona fide transactions unaffected by court orders. The rights granted by sections 3603, 3604, 3605, and 3606 of this title may be enforced by civil actions in appropriate United States district courts without regard to the amount in controversy and in appropriate State and local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: *Provided, however*, That the court shall continue such civil case brought pursuant to this section or section 3610 (d) of this title from time to time before bringing it to trial if the court believes that the conciliation efforts of the Secretary or a State or local agency are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Secretary or to the local or State agency and which practice forms the basis for the action in court: *And provided, however*, That any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this Act, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this Act shall not be affected.

(b) Appointment of counsel and commencement of civil actions in Federal or State courts without payment of fees, costs, or security. Upon application by the plaintiff and in such circumstances as the court may deem just, a court of the United States in which a civil action under this section has been brought may appoint an attorney for the plaintiff and may authorize the commencement of a civil action upon proper showing without the payment of fees, costs, or security. A court of a State or

subdivision thereof may do likewise to the extent not inconsistent with the law or procedures of the State or subdivision.

(c) Injunctive relief and damages; limitations; court costs; attorney fees. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff: *Provided*, That the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

3613. Enforcement by the Attorney General; issues of general public importance; civil action; Federal jurisdiction; complaint; preventive relief. Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this subchapter, or that any group of persons has been denied any of the rights granted by this subchapter and such denial raises an issue of general public importance, he may bring a civil action in any appropriate United States district court by filing with it a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he deems necessary to insure the full enjoyment of the rights granted by this subchapter.

3614. Expedition of proceedings. Any court in which a proceeding is instituted under section 3612 or 3613 of this title shall assign the case for hearing at the earliest practicable date and cause the case to be in every way expedited.

3615. Effect on State laws. Nothing in this subchapter shall be construed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this subchapter shall be effective, that grants, guarantees, or protects the same rights as are granted by this subchapter; but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this subchapter shall to that extent be invalid.

3616. Cooperation with State and local agencies administering fair housing laws; utilization of services and personnel; reimbursement; written agreements; publication in Federal Register. The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this subchapter. In furtherance of such cooperative efforts, the Secretary may enter into written agreements with such State or local agencies. All agreements and terminations thereof shall be published in the Federal Register.

3617. Interference, coercion, or intimidation; enforcement by civil

action. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 3603, 3604, 3605, or 3606 of this title. This section may be enforced by appropriate civil action.

3618. Authorization of appropriations. These are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this subchapter.

3619. Separability of provisions. If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the remainder of the subchapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

## SUBCHAPTER II

3631. Violations; bodily injury; death; penalties. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(a) any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(1) participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section; or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

August 22, 1974

Pub. Law 93-383

PROHIBITION AGAINST DISCRIMINATION ON ACCOUNT OF SEX IN EXTENSION  
OF MORTGAGE ASSISTANCE; FAIR HOUSING

Sec. 808. (a) Title V of the National Housing Act (as amended by sections 301 and 305 of this Act) is amended by adding at the end thereof the following new section:

"PROHIBITION AGAINST DISCRIMINATION ON ACCOUNT OF SEX IN  
EXTENSION OF MORTGAGE ASSISTANCE

"Sec. 527. No federally related mortgage loan, or Federal insurance, guaranty, or other assistance in connection therewith (under this or any other Act), shall be denied to any person on account of sex; and every person engaged in making mortgage loans secured by residential real property shall consider without prejudice the combined income of both husband and wife for the purpose of extending mortgage credit in the form of a federally related mortgage loan to a married couple or either member thereof.

"(b) For purposes of subsection (a), the term 'federally related mortgage loan' means any loan which--

"(1) is secured by residential real property designed principally for the occupancy of from one to four families; and

"(2)(A) is made in whole or in part by any lender the deposits or accounts of which are insured by any agency of the Federal Government, or is made in whole or in part by any lender which is itself regulated by any agency of the Federal Government; or

"(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by the Secretary of Housing and Urban Development or any other officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency; or

"(C) is eligible for purchase by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or from any financial institution from which it could be purchased by the Federal Home Loan Mortgage Corporation; or

"(D) is made in whole or in part by any 'creditor', as defined in section 103(f) of the Consumer Credit Protection Act of 1968 (15 U.S.C. 1602(f)), who makes or invests in residential real estate loans aggregating more than \$1,000,000 per year."

August 22, 1974

Pub. Law 93-383

(b) (1) Subsections (a), (b), (c), (d), and (e) of section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (42 U.S.C. 3604), are amended by inserting a comma and the word "sex" immediately after the word "religion" each time it appears.

(2) Section 805 of such Act is amended by inserting a comma and the word "sex" immediately after the word "religion".

(3) Section 806 of such act is amended by inserting a comma and the word "sex" immediately after the word "religion".

(4) Subsection (a), paragraph (1) of subsection (b), and subsection (c) of section 901 of such Act are amended by inserting a comma and the word "sex" immediately after the word "religion" each time it appears.

## APPENDIX B

### CHECKLIST FOR COMMANDERS

1. Are newly assigned personnel informed of the requirements of the equal opportunity in off-post housing program prior to obtaining housing information?
2. Is there an effective equal opportunity in off-post housing information program?
3. Are community resources being used to support the equal opportunity in off-post housing information program?
4. Are housing discrimination complaints being processed within the required time?
5. Are complainants being informed, in writing, of the results of investigations?
6. Are housing surveys being conducted periodically to obtain new listings?
7. Are restrictive sanctions being imposed immediately for a minimum of 180 days on agents found to be practicing discrimination?
8. Are the services of command representatives offered to accompany and assist applicants in their search for housing?
9. Are housing referral office and equal opportunity personnel aware of and sensitive to the housing problems encountered by minority personnel?
10. Are timely and accurate equal opportunity in off-post housing reports being submitted?
11. Are DOD personnel being informed of restrictive sanctions?

## APPENDIX C

### REPORT OF INVESTIGATION—FORMAT

1. Transmittal documents. Include copies of transmittal letters to MACOM, DOJ and HUD as applicable.
2. Chronology Sheet. A sequence of events by date from receipt of complaint to conclusion of action.
3. Copy of complaint of discrimination. Also, include copy of HUD 903 if complaint has been forwarded to HUD.
4. Summary of inquiry.
5. Documents supporting investigation/inquiry.
6. Correspondence relating to informal hearing and resulting summary.
7. Legal review.
8. Memorandum by Deputy Installation Commander.
9. Notification of outcome to complainant.
10. Statement by complainant.
11. Notification of the imposition of restrictive sanction if applicable.
12. Any other relevant document(s).



0001153244

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA (DAPE-HRC) WASH DC 20310.

By Order of the Secretary of the Army:

BERNARD W. ROGERS  
*General, United States Army*  
*Chief of Staff*

Official:

J. C. PENNINGTON  
*Brigadier General, United States Army*  
*The Adjutant General*

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